

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
October 7, 2015**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Absent		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the September 2, 2015 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Vice Chairman Josh Gunselman seconded it. Motion carried 4-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Donna S. Begle for a special exception to allow a Home Occupation (dog grooming business) and for a special exception to operate a dog kennel in an A-1 (Agriculture) zone

Donna Begle, a certified dog groomer, appeared before the board to request special exceptions to operate a dog grooming business and to allow a dog kennel on her property located at 700 South 400 West. Ms. Begle intends to use an accessory building on the property adjacent to her house for the grooming and boarding. Business hours would be 8am to 5pm Mondays through Fridays and 9am to Noon on Saturdays. The kennel would be open from 4pm to 6pm on Sundays for owners to pick up their dogs if boarding them. Ms. Begle shared photos of the property and inside the building where the grooming and kennel would be. She said there is adequate parking on her private drive and she does not plan to have any signage.

There were no remonstrators present. Following some discussion, Vice Chairman Gunselman made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a special exception to allow a Home Occupation (dog grooming business) at 707 South 400 West. Randy Mehringer seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a special exception to operate a dog kennel in an A-1 (Agriculture) zone at 707 South 400 West. Randy Mehringer seconded it. Motion carried 4-0.

Petition of Progressive Investment Company, LLC (as owner) and Nicholas W. Giesler (as petitioner) for a special exception to allow a medical clinic (family dentistry practice) in a B-3 (Business) zone

Brian Tretter, of Progressive Investment Company, was present on behalf of Nicholas Giesler, to request a special exception to allow a family dentistry practice in a B-3 (Business) zone at 671 3rd Avenue, Suite D. If the request is approved, Mr. Tretter said Progressive Investment Company will lease 3,000 square feet of office space on the south end of the building.

There were no remonstrators present. Following some discussion, Vice Chairman Gunselman made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a special exception to allow a medical clinic (family dentistry practice) at 671 3rd Avenue, Suite D. Secretary Buck seconded it. Motion carried 4-0.

Petition of BCJ Group (as owners) and Tienda Latina and Restaurant, LLC, Adrian Miranda (as petitioner) for a variance from Section 16.03.050 (Off-Street Parking and Loading) (Table D)

Tom Schroeder, P.E., of Schroeder & Associates, P.E., was present on behalf of Tienda Latina and Restaurant, to request a variance from Section 16.03.050 (Off-Street Parking and Loading) (Table D) regarding the parking for the new restaurant. Adrian Miranda, owner of Tienda Latina and Restaurant, was also present. Mr. Schroeder explained to the board that the parking lot is 4 spaces short of the ordinance requirement and is therefore requesting that employees be allowed to park in the loading dock area.

There were some neighbors that did not agree with the request. Stephanie Taber explained that, on behalf of her mother who resides at 1331 Main Street, the parking lot has been a hindrance to her for several years because trucks using the loading dock would back onto her property and vehicles would exit the parking lot through the alley, which is directly in her back yard. She has had ruts in her yard several times and is concerned that it will continue.

Karen Wiscaver, who resides directly behind the building, said although she does not have an issue with the parking request, she noted that the alley is very narrow. Attorney Kabrick read three letters into the record that were addressed to the board from other adjacent property owners who also shared concerns about the parking. Those who sent letters were Steve and Judy Heidorn, owners of Heidorn Financial at 1405 Newton Street, David and Rachel Nealy, 1317 Main Street and Kevin Wright, 1329 Main Street.

After hearing all of the concerns from the neighbors and board members, Vice Chairman Gunselman suggested that the request be changed to allowing 30 parking spaces instead of the required 34 spaces, which would relieve parking near the loading dock. Following some discussion, Vice Chairman Gunselman made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a variance to allow Tienda Latina and Restaurant to have the current 30 spaces instead of the required 34 spaces per the City's ordinance at 1338 Newton Street. Secretary Buck seconded it. Motion carried 4-0.

Petition of Darlene Ofer (as owner) and Todd Ofer (as petitioner) for a variance to allow a warehouse in an A-1 (Agriculture) zone and a variance from Section 16.02.140 (Height Regulations) on a proposed warehouse

Todd Ofer was present to request a variance to construct a second warehouse on the property located at 4436 N. US 231. The existing warehouse, formerly owned by Mr. Ofer's father, is still being utilized. A variance is also being sought to construct the building with a height of 23 feet. The new building, measuring 126ft. x 48ft. would be used to store items such as tractors, trailers, boats and campers.

Discussion followed. With no remonstrators present, Secretary Buck made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to allow a warehouse in an A-1 (Agriculture) zone, with a height not to exceed 23 feet. Secretary Buck seconded it. Motion carried 4-0.

Petition of William A. Barkley and Raquel R. Barkley for a variance from Section 16.02.140 (Height Regulations) on a proposed accessory building

Phil Buehler, of Brosmer Land Surveying, was present on behalf of William and Raquel Barkley, to request a variance to construct a garage on their property at 2134 W. Division Road. Mr. Buehler displayed a sketch that showed plans to build the garage to a height of 18 feet, intending to aesthetically match the roof of the house; 22 feet.

Discussion followed. With no remonstrators present, Randy Mehringer made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance from Section 16.02.140 (Height Regulations) to construct a garage at 2134 W. Division Road, with a height not to exceed 18 feet. Secretary Buck seconded it. Motion carried 4-0.

Petition of Cash Waggner Enterprise, LLC (as owner) and Miller-Valentine Group (as petitioner) for a variance from the general regulations of Section 16.02.110 (Permitted Uses) to allow multiple-family dwellings within an I-2 (Heavy Industrial) District, and a variance from the general regulations of Section 16.03.050 (Off-Street Parking) to allow one off-street parking space per dwelling unit; parking spaces to be eighteen (18) feet in length; and drive aisles to be twenty-four (24) feet in width for 90-degree parking

Pete Schwiegeraht, of Miller-Valentine Group, appeared before the board to request a variance to allow multi-family dwellings on the property of the former JOFCO building at 402 E. 13th Street. Mr. Schwiegeraht said this would be Phase II of the project, reminding the board of the variances granted to the company last year for Jasper Lofts Phase I, which includes 67 workforce housing units. A variance for parking was also granted, which permitted 83 spaces for the 67 units.

The proposal for Phase II is to add 44 more units, consisting of one and two-bedroom options. A variance was also requested to allow one off-street parking space per dwelling unit; parking spaces to be eighteen (18) feet in length; and drive aisles to be twenty-four (24) feet in width for 90-degree parking.

Several neighbors were in attendance, mostly concerned about the parking issues already present in the neighborhood. Those who spoke before the board were Anna Schmitt and Doris Vinson. Vice Chairman Gunselman echoed the neighbors, stating that he already had concerns when Phase I was presented. Mr. Gunselman added that the firm should present a master plan for parking before he can give his approval on any additional parking variances.

Following a lengthy discussion, Mr. Schwiegeraht said he would revise the Phase II plan to accommodate the ordinance's requirement of 2 parking spaces per unit and withdraw the petition pertaining to the parking spaces.

Secretary Buck made a motion to close the public hearing, seconded by Vice Chairman Gunselman. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a variance to allow multi-family dwellings in an I-2 (Heavy Industrial) zone at 402 E. 13th Street. Randy Mehringer seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a variance to allow parking spaces to be eighteen (18) feet in length; and drive aisles to be twenty-four (24) feet in width for 90-degree parking. Randy Mehringer seconded it. Motion carried 4-0.

Petition of Empire Enterprises, LLC (as owner) and Miller-Valentine Group (as petitioner) for a variance from the general regulations of Section 16.02.110 (Permitted Uses) to allow multiple-family dwellings within an I-2 (Heavy Industrial) District, and a variance from the general regulations of Section 16.03.050 (Off-Street Parking) to allow one and one-tenth (1.1) off-street parking spaces per dwelling unit

Pete Schwiegeraht, of Miller-Valentine Group, appeared before the board to request a variance to allow senior independent living dwellings on the property located at 1316 Vine Street, the former Jasper Wood Products and Monster Recycling. The plan is to create 60-65 one

and two bedroom apartments. Although designs for the proposed project have not been finalized, Mr. Schwiegeraht explained that he is waiting to seek approval of the housing developments in order to apply for tax credits from the Internal Revenue Service's Rental Housing Tax Credit program. A variance was also requested to allow one and one-tenth (1.1) off-street parking spaces per dwelling unit. Plans are to demolish some of the buildings on the proposed property and build a parking lot for residents and visitors.

There were some adjacent property owners present that shared their concerns regarding parking and an increase of people in the neighborhood stating that the traffic and congestion are already common issues in the area. Those who spoke before the board were Mary Ann Smith and David Vinson. Mr. Schwiegeraht said the proposed parking lot should help keep any additional on-street parking from becoming an issue.

Following some discussion, Secretary Buck made a motion to close the public hearing. Vice Chairman Gunselman seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a variance to allow senior independent living units only in an I-2 (Heavy Industrial) zone at 1316 Vine Street. Randy Mehringer seconded it. Motion carried 4-0.

Vice Chairman Gunselman made a motion to grant a variance to allow 1.25 parking spaces per unit at 1316 Vine Street. Randy Mehringer seconded it. Motion carried 4-0.

ADJOURNMENT

With no further discussion, Vice Chairman Gunselman made a motion to adjourn the meeting. It was seconded by Secretary Buck Motion carried 4-0, and the meeting was adjourned at 8:40 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister